

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 28, 2009

No. 07-40416

Charles R. Fulbruge III

MONICA CASTRO, For Herself and as Next Friend of R.M.G. Clerk

Plaintiff-Appellant

vs.

UNITED STATES OF AMERICA,

Defendant-Appellee

- - - - -
Appeal from the United States District Court for the
Southern District of Texas
- - - - -

ON PETITION FOR REHEARING EN BANC

(Opinion February 20, 2009, 5 Cir., 2009, _____F.3d_____)

(August 28, 2009)

BEFORE: JONES, Chief Judge, KING, JOLLY, DAVIS, SMITH, WIENER,
GARZA, BENAVIDES, STEWART, DENNIS, CLEMENT, PRADO, OWEN,
ELROD, SOUTHWICK and HAYNES, Circuit Judges.

BY THE COURT:

A member of the court having requested a poll on the
petition for rehearing en banc, and a majority of the circuit
judges in regular active service and not disqualified having
voted in favor,

It is ordered that this cause shall be reheard by the court
en banc with oral argument on a date hereafter to be fixed. The
Clerk will specify a briefing schedule for the filing of
supplemental briefs.